

Exhibit E

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CR. NO. 1:16-CR-50
	:	
v.	:	(Judge Caldwell)
	:	
EARL LAFAYETTE HALL, III,	:	
RENITA BLUNT,	:	
Defendants	:	

DEFENDANTS' JOINT MOTION FOR SEVERANCE

AND NOW comes the Defendant, Renita Blunt, by and through her counsel Jennifer P. Wilson, Esq., on behalf of both defendants, pursuant to FED. R. CRIM. P. 12(b)(3)(D), hereby moves this Court to sever her trial from that of the other defendant in the above-captioned case under FED. R. CRIM. P. 14, and in support thereof states the following:

1. By a Second Superseding Indictment filed on November 9, 2016, the defendant and co-defendant Earl Lafayette Hall, III, are charged with twelve counts of Mail Fraud in violation of 18 U.S.C. § 1341; nine counts of Money Laundering in violation of 18 U.S.C. § 1956(a)(1)(B)(i); six counts of Aggravated Identity Theft in violation of 18 U.S.C. § 1028A(a)(1); one count of Conspiracy to Commit Mail Fraud in violation of 18 U.S.C. § 1349; and one count of Conspiracy to Commit Money Laundering in violation of 18 U.S.C. § 1956(h).

2. Both defendants waived arraignment on the Second Superseding Indictment and entered not guilty pleas, and are scheduled for a joint trial on March 6, 2017.
3. The defendants are accused of perpetrating a scheme between January, 2013, to June, 2015, in the Middle District and elsewhere, to defraud the Pennsylvania Department of Labor & Industry, the Hawaii Department of Labor, the Utah Department of Workforce Services, the United States Army, and the U.S. Department of Labor UCX Program by submitting false claims for UCX unemployment compensation benefits under the names and identities of other individuals and by receiving UCX benefits they were not entitled to receive in an amount totaling \$96,431.00. (Second Superseding Indictment ¶ 11, Doc. 63.)
4. The defendants resided together intermittently during the indictment period, have two children together, and were married to each other in March, 2016. They remain married at this time, and have not separated.
5. Federal Rule of Criminal Procedure 14(a) provides that a court may order separate trials for defendants if the joinder of defendants for trial

appears to prejudice a defendant.

6. Defendant Blunt is confronted with a dilemma: she wishes to provide exculpatory testimony on her own behalf at trial, but her testimony is likely to inculcate her husband, Defendant Hall. As a result, a joint trial will force her to choose between testifying on her own behalf, which testimony is likely to inculcate her husband, or not testifying at all in order to avoid testifying adversely to her husband.
7. The right to testify in one's own behalf at a criminal trial is a fundamental constitutional right, derived from the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution. *See Rock v. Arkansas*, 483 U.S. 44, 51 (1987); *United States v. Leggett*, 162 F.3d 237, 245 (3d Cir. 1998).
8. The privilege afforded a witness (including a defendant) not to testify adversely against his or her spouse is absolute. *See Trammel v. United States*, 445 U.S. 40, 53 (1980); *In re Grand Jury*, 111 F.3d 1083, 1086 (3d Cir. 1997); *In re Malfitano*, 633 F.2d 276, 278 (3d Cir. 1980).
9. Other courts have granted Rule 14 severance in order to avoid a defendant spouse from having to choose between testifying on his her

own behalf versus remaining silent in order to avoid implicating the spouse. *See United States v. Dobson*, 2003 U.S. Dist. LEXIS 15491 (E.D.Pa. Aug. 19, 2003); *United States v. Ali*, 2005 U.S. Dist. LEXIS 4719 (E.D.Pa. Mar. 24, 2005); *see also United States v. Ammar*, 714 F.2d 238, 257 (3d Cir. 1983) (suggesting in dicta that severance may be appropriate when necessary to protect the rights of co-defendant spouses).

10. Ms. Blunt is faced with the same difficult decision identified in the *Dobson* and *Ali* cases – choosing between exonerating herself by testifying versus remaining silent to avoid implicating her husband in the charged offenses.
11. As a result, this Court should sever Ms. Blunt’s case from her husband’s case in order to avoid compromising Ms. Blunt’s trial rights.
12. Assistant United States Attorney Kim Daniel stated on February 21, 2017, that he does not concur with the relief requested in this motion.
13. Ms. Blunt requests a hearing on this motion prior to jury selection.

WHEREFORE, the Defendants respectfully ask this Honorable Court to sever Ms. Blunt's trial from that of the other defendant, Mr. Hall.

Respectfully submitted,

s/Jennifer P. Wilson

Jennifer P. Wilson, Esquire

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February 23, 2017

CERTIFICATE OF SERVICE

AND NOW, this 23rd day of February, 2017, the undersigned certifies that she is a person of suitable age and discretion to be competent to serve papers. The undersigned further certifies that she served a copy of the foregoing document upon the following persons on this date by filing the foregoing document via ECF, which will cause the following persons to receive a copy of the document via electronic mail at the below addresses:

Kim Daniel, Esq.
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Respectfully submitted,

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